EXHIBIT 36

Highly Confidential - Subject to Further Confidentiality Review

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 1              UNITED STATES DISTRICT COURT
             FOR THE NORTHERN DISTRICT OF OHIO
 2                   EASTERN DIVISION
 3    IN RE: NATIONAL            )    MDL No. 2804
      PRESCRIPTION OPIATE        )
 4    LITIGATION                 )    Case No.
                                 )    1:17-MD-2804
 5                               )
      THIS DOCUMENT RELATES TO   )    Hon. Dan A.
 6    ALL CASES                  )    Polster
                                 )
 7
 8
 9                      __ __ __
10              Tuesday, May 14, 2019
                        __ __ __
11
       HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
12              CONFIDENTIALITY REVIEW
                        __ __ __
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16         Videotaped Deposition of JAMES E.
      RAFALSKI, VOLUME 2, held at Weitz &
17    Luxenburg PC, 3011 West Grand Avenue, Suite
      2150, Detroit, Michigan, commencing at
18    8:25 a.m., on the above date, before
      Michael E. Miller, Fellow of the Academy of
19    Professional Reporters, Registered Diplomate
      Reporter, Certified Realtime Reporter and
20    Notary Public.
21
22
23                      __ __ __
24          GOLKOW LITIGATION SERVICES
         877.370.3377 ph | fax 917.591.5672
25              deps@golkow.com
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 1   understand what this idea of know your

 2   customer's customer meant, it couldn't look

 3   in the regulations, could it, because it's

 4   not there?

 5   MR. FULLER: Form.

 6   A.   I think it's encompassed in the

 7   maintenance of effective controls.

 8   BY MR. O'CONNOR:

 9   Q.   But to be clear, the

10   maintenance of effective controls regulation

11   does not mention anything about knowing your

12   customer's customer, does it?

13   A.   It doesn't give any specific

14   guidance, but I think what it does is it puts

15   a manufacturer or any registrant on notice

16   that their continued use of a DEA

17   registration requires them to take steps to

18   prevent diversion, and I believe that getting

19   that information is one of those steps.

20   But so just -- just so it --

21   but I guess if your question is does it

22   specifically say that term? It does not.

23   Q.   And DEA never issued any

24   guidance to manufacturers informing them of

25   their supposed obligation to monitor -- or to

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1   know their customer's customers, correct?

2   MR. FULLER: Form.

3   A.   I know I've reviewed where it

4   was presented at some training, but I'm not

5   sure if that was by an industry or a

6   consultant.

7   BY MR. O'CONNOR:

8   Q.   DEA --

9   A.   So I'll say no.

10   Q.   DEA --

11   A.   I'm not aware of it. At least

12   I'm not aware they've done it. I'm not

13   saying they have not done it.

14   Q.   DEA never published guidance in

15   the Federal Register saying anything about

16   knowing your customer's customer, did it?

17   A.   They have not done that.

18   Q.   Okay. And they never sent a

19   letter to all manufacturers, for example,

20   saying they were to know their customer's

21   customer, did they?

22   A.   I'd like to look at the 2007

23   letter. I think it may say all relevant

24   transaction information, and I would consider

25   that relevant transaction information.

1   Q.   But it doesn't say know your

2   customer's customer, does it?

3   A.   It does not specifically say

4   that term, no, sir.

5   Q.   Okay. In your report, you

6   suggest that: Using relevant data acquired

7   by a manufacturer for compliance purposes is

8   part of maintaining effective controls to

9   prevent diversion. This obligation was

10   acknowledged by Mallinckrodt in its

11   memorandum of agreement Mallinckrodt entered

12   with the United States in 2017.

13   Do you recall that opinion?

14   MR. FULLER: What page are you

15   on, Counsel?

16   MR. O'CONNOR: We're on 146.

17   MR. FULLER: Thank you.

18   A.   So your question was -- and I

19   need to read this again, this obligation was

20   acknowledged by Mallinckrodt in the

21   memorandum of agreement Mallinckrodt entered

22   with the United States in 2017?

23   BY MR. O'CONNOR:

24   Q.   Correct.

25   A.   Yes, I agree with that